

1 JUDGE MILLER: Yeah, repeat business.

2 WITNESS: Right.

3 JUDGE MILLER: But you got the -- It was Shellee
4 Davis who got the sale originally?

5 WITNESS: Yes.

6 JUDGE MILLER: And that's the reason it's still a
7 house -- your house account?

8 WITNESS: Yes. But I've also given some of my
9 accounts away, where either I'll, I'll, I'll turn the accounts
10 that I originated over to sales people, or even when my house
11 account purchases from me I have a salesperson go out and
12 install and train on the machine, and then I'll -- and then I
13 usually give them some money for that. But they still are
14 considered my accounts.

15 JUDGE MILLER: All right.

16 WITNESS: And they're usually my largest accounts.

17 JUDGE MILLER: I understand.

18 BY MR. KRAVETZ:

19 Q Okay. Now, in Exhibit 1-A of your direct testimony,
20 it's an article from "Minority Business News"?

21 A Yes.

22 Q And that article, in general, tell me if I
23 mischaracterize it but I'd like not to have to read the whole
24 thing, talks about the success of your business based on the
25 relationships that you have established?

1 A Um-hum.

2 Q That you give people your personal guarantee?

3 A Um-hum.

4 Q And this is the most important part of the business?

5 A Um-hum.

6 JUDGE MILLER: Is that yes?

7 WITNESS: I'm sorry. Yes. I'm sorry.

8 BY MR. KRAVETZ:

9 Q And that's accurate? Your business is based on your
10 personal involvement in, in the business and your dealings
11 with the people, businesses that do -- that get services or
12 products from Britt Business Systems?

13 A Initially, Mr. Kravetz, yes, that is what the
14 business was. But I have hired people. I have a staff of
15 nine now that are well qualified in each of their areas. And,
16 also, the business is based on their expertise, too, as far as
17 my office managers, my service technicians, and also my other
18 sales reps. And that's another reason why I can turn over
19 more and more of my accounts now, because those people that I
20 have employed represent the company very well.

21 Q So there are three sales people full time?

22 A There's three full-time sales people, yes.

23 Q Is one of those Jim Johnson?

24 A Yes, sir.

25 Q And if there are three sales and there's you, that's

1 four. And you have an office manager?

2 A Um-hum. Yes. I'm sorry. Yes.

3 Q Which is five. What are the other employees?

4 A I have an administrative assistant. I have a
5 service technician. I have a part-time service technician.
6 And myself.

7 Q Do you know the income of WBBY in its last year of
8 operation or last two years of operation?

9 A No, I don't.

10 Q Do you know anything about the overall advertising
11 revenues in the market that are devoted to radio advertising?

12 A As far as with BBY?

13 Q No. I'm sorry. You said you didn't know about
14 BBY's business. Do you know anything about the advertising
15 revenues in the market as a whole?

16 A No, I don't.

17 Q As far as radio stations are concerned?

18 A No, sir.

19 Q Do you know anything about the profitability of FM
20 radio stations in the Columbus market?

21 A In the Columbus market per se? No, I don't know
22 the, I don't know the numbers.

23 Q Do you know anything about the economic state of the
24 industry, the radio broadcast industry, around the country in
25 general?

1 A I've heard that they're up and that they're down,
2 and some stations do very well and some stations fail.

3 Q Do you now have a substantial equity in Britt
4 Business Systems? That is to say the value of the business.

5 A Um-hum.

6 JUDGE MILLER: Is your answer --

7 WITNESS: Yes. Yes.

8 BY MR. KRAVETZ:

9 Q And you've also made loans to the company?

10 A Yes, I have.

11 Q And some of these loans are outstanding?

12 A Yes.

13 Q Does Britt Business Systems currently have any
14 outstanding loans from any other bank or any other entity,
15 other than, other than yourself?

16 A No, sir.

17 Q So there's no mortgages on the, on the business?

18 A No, sir.

19 Q And I understand you have two key employees, Kindall
20 Carmichael who is your office manager and Jim Johnson who is
21 your sales representative?

22 A They are two of my employees. I consider all my
23 employees key.

24 Q Well, those are the two that you want to take with
25 you to the station. Is that correct?

1 A Oh, yes.

2 Q Anybody else you intend to take with you to the
3 station?

4 A Not at this point.

5 JUDGE MILLER: What position does Jim Johnson hold?

6 WITNESS: He's a sales rep.

7 BY MR. KRAVETZ:

8 Q What distinguishes him from other sales reps in your
9 business?

10 A Well, Jim has been with me for three years now. He
11 is very loyal to me. And he would not mind going into
12 advertising sales.

13 Q Well, does he, does he produce sales greater than
14 your other sales representatives? Is he a, is he --

15 A Not necessarily.

16 Q Does he do a greater volume?

17 A Not necessarily. Jim does very well.

18 Q If you get granted a permit in this proceeding, what
19 are you going to do with Britt Business Systems, Inc.?

20 A I intend to sell Britt Business Systems.

21 Q Have you made any effort to do so?

22 A Not to actually sell it, no, but I've been gathering
23 information.

24 Q About potential buyers?

25 A Necessarily -- Like anytime anyone has made a

1 statement or a suggestion about possibly purchasing Britt or
2 if I'm ever going to sell, I note their name mentally. I have
3 inquired before what does a person do when they want to sell a
4 business. I have taken notes in certain publications where
5 people put their businesses up for sale. And, also, I am
6 currently going to find out an appraisal value. I'd like to
7 know a real appraisal value of the business. And, also, I
8 will continue -- As long as I have the business, I will
9 continue to grow it to be as marketable as possible.

10 Q But if you get the radio station and commence
11 operations, do you have any idea about how long this station
12 will be operating before turning a profit?

13 A No, but I'm hoping at least within three months.

14 Q And that's based on what? Other than hope.

15 A That is just based on the fact that if I keep my
16 expenses contained, if I am smart about how to work the money
17 and bring in the advertisements, and I think that -- I really
18 feel that once that sort -- once a station such as BBY is
19 brought back on the air that it would definitely bring in a
20 lot of advertising dollars.

21 Q That is -- What else is that based on, other than
22 your personal feelings?

23 A Just my personal feelings.

24 Q Have you, have you looked at any figures?

25 A As far as what, sir?

1 Q As far as past revenues or potential revenues?

2 A No, I haven't.

3 Q Have you done any sort of market study to find out
4 what kind of income might be available?

5 A No, I haven't.

6 Q You just have a general idea that three months and
7 that'll do it?

8 A I have a general idea, I have an intuition that it
9 will work.

10 JUDGE MILLER: Well, do you -- Let me see if I
11 understand it. Do you intend to sell Britt Business Systems
12 before you start operation of the station?

13 WITNESS: Once I acquire the license, then I will
14 proceed to sell Britt Business Systems. Britt Business
15 Systems will be on the market. I will, I will not sell Britt
16 before I will know if I would have a license.

17 JUDGE MILLER: Okay. Once you -- You've got the
18 license.

19 WITNESS: Yes, sir.

20 JUDGE MILLER: You've got the permit. You would
21 then sell it before you started operating the station?

22 WITNESS: I would put it up for sale and hopefully
23 someone will buy it as soon as possible.

24 JUDGE MILLER: Proceed, Mr. Kravetz.

25 BY MR. KRAVETZ:

1 Q Do you have any idea, other than intuition, as to
2 how long it'll take you to sell, perhaps sell Britt?

3 A No, I don't.

4 Q Would it take you a year to sell it?

5 A I have no idea.

6 Q What are you going to do if you can't sell it?

7 A Well, I intend to sell it and I think it's a very
8 marketable business and that it will sell.

9 Q And how do you know it's a marketable business?

10 A How do I know it's a marketable business?

11 Q Have you --

12 A Based on the fact that the office equipment
13 industry, what Britt has to offer, its standing within the
14 business community, its standing as a Xerox dealer, Britt is a
15 very marketable company.

16 Q Well, judging from these newspaper articles, one of
17 the reasons why it's successful is you, and you're not going
18 to be there.

19 A I brought it up that way. But, also, I have built
20 it to stand on its own two feet.

21 Q But at this point, you don't -- you can't point to
22 anything and say yes, I can, I can sell it? Or, for that
23 matter, yes, I can sell it for any certain amount of money?
24 This is something you just think you can?

25 MR. ALPERT: I'm going to object, Your Honor. I

1 think he's engaging in speculation right now.

2 JUDGE MILLER: I'll overrule the objection, with,
3 with the full understanding that I don't think we're moving
4 very far.

5 MR. KRAVETZ: I don't plan to stay here very long,
6 Your Honor.

7 BY MR. KRAVETZ:

8 Q Do you have any idea at this point when you could
9 sell it or what you could sell it for, other than intuition?

10 A I do not have any idea when I can sell it. I think
11 what bears is how long it's going to take to acquire the radio
12 license. If, if I can get the radio license as soon as
13 possible, I'll put it up for sale. It could sell within a
14 month, it could take longer. If I don't get the radio
15 license --

16 JUDGE MILLER: Doesn't a lot, doesn't a lot depend
17 on how much you put it up for sale for?

18 WITNESS: Yes. Yeah, that depends on it, too. And
19 right now I am, I am in the process of acquiring information
20 to see how much that the business could sell for.

21 BY MR. KRAVETZ:

22 Q Are you going to have a salary as general manager of
23 the radio station?

24 A I hope to, but there's a possibility that I may not.

25 Q Do you know what it's going to be?

1 A Well, what I had originally budgeted for a salary
2 was \$30,000 for the year.

3 MR. KRAVETZ: And the last question, Your Honor, I
4 don't, I don't have plans 'cause I don't think it's
5 appropriate to go into this area more than this -- these two
6 questions.

7 BY MR. KRAVETZ:

8 Q To build and operate the radio station, you are
9 intending to rely on a bank loan?

10 A For a part of the money, yes, sir.

11 Q Which means that you will be exchanging an
12 independent business for a business that is, is mortgaged to a
13 bank. That, that's going to be the transition. Is that --

14 MR. ALPERT: Objection, Your Honor, insofar --

15 JUDGE MILLER: Overruled.

16 MR. KRAVETZ: In fact, the record might reflect that
17 the witness nodded. But you have to say something.

18 WITNESS: Okay, I'm not understanding what you're
19 saying.

20 BY MR. KRAVETZ:

21 Q You now have Britt Business Systems --

22 A Right.

23 Q -- free and clear. It's yours.

24 A Yes.

25 Q You're going to move into a new business.

1 JUDGE MILLER: You're trading in a, you're trading
2 in a business in which you're free and clear --

3 WITNESS: Right.

4 JUDGE MILLER: -- for a mortgage, right?

5 WITNESS: Yes, sir. Yes, I am.

6 MR. KRAVETZ: Your Honor, I have no further
7 questions.

8 JUDGE MILLER: Mr. Belendiuk, are you, are you -- do
9 you have any responsibilities here?

10 MR. BELENDIUK: Yes.

11 JUDGE MILLER: Proceed, Mr. Belendiuk.

12 CROSS EXAMINATION

13 BY MR. BELENDIUK:

14 Q Good afternoon, Ms. Davis. My name is Arthur
15 Belendiuk --

16 A Good afternoon.

17 Q -- and we met at the deposition.

18 A Right.

19 Q And you know that I represent Mr. Ringer and I have
20 some questions. Hopefully, they will be cumulative as opposed
21 to repetitive. Tell me, is this a true statement, that what
22 makes Britt valuable is its right to sell equipment?

23 A Yes.

24 Q In other words, what, what gives Britt its
25 marketability is the fact that you have the right -- that you

1 are a Xerox dealer?

2 A Yes, that I sell equipment, that I sell this
3 equipment and that I sell supplies and accessories.

4 Q That's right.

5 JUDGE MILLER: Mr. Belendiuk, before you go on, let
6 me just ask a few questions, please. What got you interested
7 in applying for Westerville?

8 WITNESS: Well, back in 1991 -- Well, first of all,
9 I, I listened to the radio station all of the time and I
10 enjoy, and I enjoyed the format. My family has --

11 JUDGE MILLER: What format was that?

12 WITNESS: It was jazz.

13 JUDGE MILLER: I see. And this is WBBY?

14 WITNESS: Yes, sir.

15 JUDGE MILLER: Okay, you listened to it and you, and
16 you like jazz.

17 WITNESS: I enjoyed it.

18 JUDGE MILLER: Okay.

19 WITNESS: Also, I have had -- My family, different
20 members of my family have been involved in broadcasting and I,
21 I know what it meant when a radio station comes up for a
22 license. And I read it in the newspapers. There were a
23 couple articles in a couple other newspapers. And I thought
24 it would be interesting in looking at it. And really, you
25 know, when I was looking at Britt, because on several

1 occasions with, with -- that I've been thinking do I want to
2 continue Britt or is there something --

3 JUDGE MILLER: Everytime, though, the answer's been
4 yes, hasn't it?

5 WITNESS: What's that?

6 JUDGE MILLER: Do you want to continue Britt? When
7 you ask that question to yourself, so far, everytime the
8 answer's been yes, hasn't it?

9 WITNESS: Up to this point, sir, because --

10 JUDGE MILLER: As long as those revenues keep going
11 up.

12 WITNESS: Well --

13 JUDGE MILLER: Is that fair?

14 WITNESS: -- up to this point, until the radio
15 station idea did, did come up, and I'm interested in the radio
16 station. And that is why -- You know, I have always built
17 Britt to be, I have built Britt to be marketable for about the
18 past two years or so. And the radio station is something that
19 I am very much interested in and that I decided that I wanted
20 to pursue. Now, I'm not going to --

21 JUDGE MILLER: Why, why Britt and not a McDonald's
22 franchise?

23 WITNESS: I don't know. I was never interested in a
24 McDonald's franchise. What I'm -- What interests me most
25 about the radio station is, is the fact that it is very

1 interwoven to the community. With, with Britt, I have used
2 Britt as a vehicle to do different things within the
3 community, to the best of Britt's ability financially and
4 time-wise, and also the best to my ability. And with the
5 radio station being such a community focused enterprise, I
6 thought that this would be a way that I could even get more
7 creative and more involved in the community.

8 Office equipment is okay. I mean, I have been able
9 to be somewhat creative with selling office equipment based on
10 the fact -- on my marketing ability. I think my background in
11 human relations, plus, plus dealing with customers, being
12 involved in the community, being able to develop sales reps
13 and develop the type of employees that could -- would build a
14 healthy company. And I have --

15 JUDGE MILLER: Do you think it's preferable to, to
16 sell jingles rather than office equipment? Radio jingles,
17 advertising. That's the name of the game, isn't it?

18 WITNESS: Yes.

19 JUDGE MILLER: In other words, you're not getting
20 out -- you're not, you're not going into any aesthetic
21 business, are you? You're going to be down there grubbing for
22 any advertising, just like the Westerville stations, right?

23 WITNESS: Exactly.

24 JUDGE MILLER: And that's what you want to do, huh?

25 WITNESS: I would -- I think selling advertisement

1 can be very creative. And, also, Judge Miller, what I really
2 am interested in more than anything, what -- is being able to
3 reach out more to the community and getting the community more
4 involved, bringing more to them. And I really, I really feel,
5 whether it's intuition or not, I really feel that I can do
6 that.

7 JUDGE MILLER: All right.

8 WITNESS: And based on the experience of bringing
9 Britt up to what it is today --

10 JUDGE MILLER: Have you ever considered anything
11 else other than broadcasting?

12 WITNESS: Yes. I've thought about flower arranging
13 and picture framing. Those were creative and that's what I
14 thought about at one time.

15 JUDGE MILLER: All right. Proceed, Mr. Belendiuk.

16 BY MR. BELENDIUK:

17 Q Ms. Davis, I believe we were discussing Britt and I
18 believe where we were was that I had gotten to -- you agreed
19 with me that the value, the value of Britt is the right to
20 sell the equipment. Is that correct? I just want you to get
21 focused on where I am.

22 A I think it's part of it, yes.

23 Q Now, the right -- you have the right to sell Xerox
24 equipment, do you not?

25 A Right, yes.

1 Q And you also have the right to sell Panasonic
2 equipment?

3 A Yes.

4 JUDGE MILLER: Do you have a franchise -- do you
5 have an exclusive --

6 WITNESS: No, it's --

7 JUDGE MILLER: -- territory that nobody else can
8 come in there and sell Panasonic?

9 WITNESS: No. Several people can. I don't have an
10 exclusive territory.

11 JUDGE MILLER: Okay.

12 BY MR. BELENDIUK:

13 Q Now, your right to sell equipment is not a property
14 right, isn't that true?

15 A True, with --

16 Q It's not a --

17 A Different contracts state, state two different
18 things.

19 Q Exactly. I want to show you -- Counsel has it. This
20 is your Panasonic contract, if you can put it in front of the
21 witness. And I'm looking at paragraph 16 --

22 JUDGE MILLER: Well, wait. She hasn't even gotten
23 it yet.

24 MR. BELENDIUK: Yeah, but I'm helping counsel out
25 here.

1 JUDGE MILLER: Oh.

2 MR. BELENDIUK: Paragraph 16, subsection B.

3 MR. ALPERT: If counsel would show me what he is
4 referring to so I know that we're all reading the same page.
5 I think I have it, but let me see what he has.

6 MR. BELENDIUK: And I'm looking at -- Would you put
7 that in front of the witness?

8 MR. ALPERT: I don't have an extra copy.

9 MR. BELENDIUK: I'm afraid I only have the one copy.

10 JUDGE MILLER: Put it in front of the witness,
11 Mr. Belendiuk, and you will look -- I'll give you permission
12 for a request for you two to look along.

13 MR. ALPERT: Thank you.

14 BY MR. BELENDIUK:

15 Q Would you please read that?

16 A B?

17 Q B, yes.

18 A Okay. "The relationship created by this agreement
19 is not an asset or property of the dealer or any partner,
20 stockholder, employee, agent, principal, or other individual
21 in any manner associated with dealer or his or her or its
22 estate or legal representative and cannot be sold."

23 Q It cannot be sold.

24 A Right.

25 Q Okay. Would you also take a look at -- over here,

1 paragraph 16A? You can read that to yourself, and it says --
2 Read that and I'll ask you a question.

3 A Okay. Yes, I've read it.

4 Q It says it can't be assigned. Isn't that what it
5 says?

6 A Yes.

7 Q Your , your contract with Xerox likewise restricts
8 your ability to assign your right to sell Xerox equipment.
9 Isn't that true?

10 MR. ALPERT: Objection, Your Honor. That calls for
11 a legal conclusion.

12 BY MR. BELENDIUK:

13 Q Well, do you know?

14 A Xerox --

15 Q Do you know?

16 MR. ALPERT: Again objection, Your Honor. Legal
17 conclusion.

18 JUDGE MILLER: Overruled. We're dealing with a
19 proposition where a woman says she's going to sell this thing,
20 and we better find out what she knows and what she doesn't
21 know.

22 MR. ALPERT: Oh, Your Honor, -- she might know what
23 --

24 JUDGE MILLER: Mr. Alpert --

25 BY MR. BELENDIUK:

1 Q Do you have my question in your mind?

2 A Yes. You want to know about Xerox. Xerox basically
3 says that I have to give written notice that I am going to
4 sell and that as long as everything's fine that they have --
5 under no extreme circumstances would they not allow it to be
6 transferred, which means that they would most probably give
7 the transfer, or most probably we would be able to sell it as
8 a Xerox dealership if we have their written consent.

9 Q All right, I read something different. That's why I
10 wanted to show you --

11 A Okay.

12 MR. ALPERT: Excuse me, counsel. Would you show it
13 to me first, please?

14 MR. BELENDIUK: Sure.

15 BY MR. BELENDIUK:

16 Q Why don't you take a look -- There are a little bit
17 there on assignments. Why don't you take a look and read
18 that.

19 A You want me to start from the beginning or
20 assignments?

21 Q You don't have to read it out loud.

22 A Okay.

23 Q I just want you to read it to refresh your memory
24 and see if you want to -- if that's going to change your
25 answer.

1 A Okay. It says I have to have prior written consent.

2 Q Okay. Do you have written consent from Xerox to
3 sell your business?

4 A No, because I have not requested it.

5 Q Okay, you have not requested consent to sell?

6 A Right.

7 Q Have you spoken to Xerox about this?

8 A No.

9 MR. BELENDIUK: Your Honor, I would like to mark for
10 identification -- I'm afraid I don't have copies. If you'll
11 give me a little leeway, I'll get copies later, but I'd like
12 to mark for identification --

13 JUDGE MILLER: Do you have two copies to give to the
14 reporter?

15 MR. BELENDIUK: I have a copy and a copy, and I'll
16 give it to the reporter, pull it back and make copies.

17 JUDGE MILLER: All right.

18 MR. BELENDIUK: I'd like to mark for identification
19 as Ringer Exhibit 5 a, a document entitled "Authorized
20 Typewriter Dealer Agreement, Office Systems Division,
21 Panasonic Industry Company, Division of Matsushita Electronic
22 Corporation of America."

23 JUDGE MILLER: The document you've just described
24 will be marked for identification as Ringer Exhibit Number 5.

25 (Whereupon, the document referred to

1 as Ringer Exhibit No. 5 was marked
2 for identification.)

3 MR. BELENDIUK: And, Your Honor, I'd like to also
4 mark for identification as Ringer Exhibit 6 a document
5 entitled "Xerox Authorized Memorywriter Service and Supplies
6 Dealer Agreement."

7 JUDGE MILLER: All right, the document you've just
8 described will be marked for identification as Ringer Exhibit
9 Number 6.

10 (Whereupon, the document referred to
11 as Ringer Exhibit No. 6 was marked
12 for identification.)

13 MR. BELENDIUK: Your Honor, I'd like to move both
14 those documents into evidence.

15 JUDGE MILLER: Mr. Alpert?

16 MR. ALPERT: Just one second, Your Honor. First of
17 all, which one was Number 5 and which one's Number 6?

18 JUDGE MILLER: Panasonic Matsushita is 5, Xerox was
19 6.

20 MR. ALPERT: I have no objection, Your Honor.

21 JUDGE MILLER: All right. Permission to withdraw
22 and make copies available to all the parties and the court
23 reporter is granted. It's not the smoothest way to be
24 proceeding, Mr. Belendiuk.

25 MR. BELENDIUK: Understood, Your Honor.

1 JUDGE MILLER: Do you understand? When you have an
2 obligation to prepare for cross examination, you should have
3 some idea of what exhibits you're going to put in and you
4 ought to have them ready.

5 MR. BELENDIUK: I understand, Your Honor.

6 JUDGE MILLER: Received.

7 (Whereupon, the documents referred to
8 as Ringer Exhibit Nos. 5 and 6 were
9 received into evidence.)

10 BY MR. BELENDIUK:

11 Q Ms. Davis, could you tell me how many hours a week
12 do you work for Britt, on average?

13 A About 60.

14 MR. BELENDIUK: One second, Your Honor. Your Honor,
15 I have no further questions for this witness.

16 JUDGE MILLER: All right. You, you don't have in
17 the back of your mind that you're going to run both
18 businesses, do you?

19 WITNESS: No, not at all, sir. I can't do that.

20 JUDGE MILLER: Do you think you can?

21 WITNESS: No.

22 JUDGE MILLER: All right. Mr. -- Is it Yelverton
23 next?

24 MR. YELVERTON: Yes, Your Honor. I had some
25 questions.

CROSS EXAMINATION

BY MR. YELVERTON:

Q Good afternoon, Ms. Davis. Stephen Yelverton, counsel for Ohio Radio Associates, Incorporated. You're married, are you not?

A Yes, sir.

Q And your husband's name is Reginald Davis?

A Yes, sir.

Q And is it not a fact that he was previously an applicant in two FCC FM applications?

A Yes, sir.

Q And one was for Indianapolis, Indiana?

A Yes, sir.

Q And the other was Upper Arlington, Ohio?

A Yes, sir.

Q And is it not a fact that Upper Arlington is in the vicinity of Westerville?

A No, sir.

JUDGE MILLER: What?

WITNESS: No, sir. Upper Arlington's not in the vicinity of Westerville.

BY MR. YELVERTON:

Q Well, how far is Upper Arlington from Westerville?

A I'm not sure, but you have Upper Arlington --

JUDGE MILLER: Are they both in the Columbus area?

1 WITNESS: Yes, they're both in the Columbus area.

2 BY MR. YELVERTON:

3 Q Who was the FCC counsel for your husband in the
4 Indianapolis application?

5 A I don't know, sir.

6 Q Do you know who his FCC counsel was for Upper
7 Arlington?

8 A I don't really know that either, sir.

9 Q Is it not a fact that your husband received a
10 settlement in one of the applications?

11 A Yes.

12 MR. YELVERTON: Your Honor, would it be appropriate
13 for Mr. Alpert to stipulate whether he was counsel or not in
14 Upper Arlington and Indianapolis for Mr. Davis?

15 JUDGE MILLER: Mr. Alpert?

16 MR. ALPERT: I don't think it's something I'd do,
17 volunteer information, unless Your Honor --

18 JUDGE MILLER: It's not, it's not, it's not
19 volunteering information. I'll ask you the question. Were
20 you Reginald Davis's counsel in Indianapolis and Upper
21 Arlington?

22 MR. ALPERT: In Indianapolis I was not. In Upper
23 Arlington I worked for the law firm that did represent him.

24 JUDGE MILLER: Okay. That's an answer. So you
25 don't need a stipulation from anybody, you have to take the

1 answer you got.

2 MR. YELVERTON: Okay, thank you, Your Honor. That's
3 certainly acceptable.

4 BY MR. YELVERTON:

5 Q Ms. Davis, is it not a fact that your husband
6 Reginald Davis told you about the availability of the
7 Westerville frequency in December of 1991?

8 A I don't believe so. I think I read it first. I
9 don't know if, I don't know if I read it first or we talked
10 about it and he told me about it and I read it. But we talked
11 about it.

12 JUDGE MILLER: Okay, I can understand what you're
13 saying there, talking about Westerville. You didn't talk
14 about Indianapolis.

15 WITNESS: Well, I've heard Indianapolis, but that's
16 been a couple of years ago.

17 JUDGE MILLER: You didn't talk about it, you and
18 your husband? Did you talk about Upper Arlington?

19 WITNESS: I mean, he said -- I knew he was involved
20 in it, but I didn't know any details on it, sir.

21 JUDGE MILLER: Was one of your husband's ambitions
22 to own a radio station?

23 WITNESS: He thought about it, but my husband's a
24 corporate man and that's where he feels most comfortable. He
25 is not an entrepreneur by spirit, and, and from what I can